

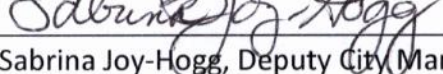


**To the Honorable Council
City of Norfolk, Virginia**

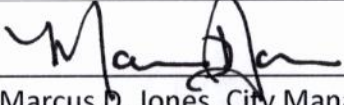
June 23, 2015

From: David S. Freeman, AICP
Director of General Services

Subject: To amend and reordain ordinance number 45,205 to correct the description of the (unbuildable) GEM property being conveyed to Charles Beerbower and Donald Beerbower located at NS Atwood Avenue

Reviewed: 
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 1/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-5

I. Recommendation: Adopt Ordinance

II. Applicant: Charles Beerbower and Donald Beerbower
1333 Paul Street
Norfolk, VA 23505

III. Description

This agenda item is an ordinance to amend and reordain Ordinance No. 45,205 which was adopted by City Council on August 27, 2013. Ordinance No. 45,205 approved the conveyance by the City of Norfolk ("City") of five parcels of property to Charles Beerbower and Donald Beerbower (collectively "Beerbower") under the GEM Side Lot for Side Yard Disposition Program.

Prior to conveyance of the parcels to Beerbower, it was brought to the City's attention that one of the parcels, listed in the legal description as Lot 23, was not owned by the City. This agenda item will correct the legal description of the parcels being conveyed to Beerbower by removing the reference to Lot 23 in Exhibit A, attached to the ordinance. The City will then proceed to convey the remaining four parcels to Beerbower as was the original intent. All other terms and conditions of Ordinance No. 45,205 shall remain in full force and effect.

IV. Analysis

Lot 23 was previously conveyed to the Commonwealth of Virginia by Certificate of Take recorded in Deed Book 1106, Page 16, and by Order dated July 1, 1968 and recorded in Deed Book 1115, Page 291, and therefore the City of Norfolk has no ownership interest in the said Lot 23; and it has been determined that Lot 23 should be removed from the description of the property being conveyed to Beerbower.

V. Financial Impact

This parcel will be conveyed to Beerbower at no cost. However, they will pay typical costs of closing. The Fiscal Year 2014 Assessed Value of the Parcel is \$24,000; resulting in tax revenue of \$276.00 annually.

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

In accordance with the Norfolk City Charter and Virginia State law, a legal notice will be posted in the *Virginian-Pilot*. In addition, public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the Department of General Services and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A

Form and Correctness Approved:

By Nathan Seaman
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 45,205 ENTITLED "AN ORDINANCE AUTHORIZING THE CONVEYANCE TO CHARLES J. BEERBOWER AND DONALD J. BEERBOWER OF A CERTAIN PARCEL OF PROPERTY ACQUIRED BY THE CITY OF NORFOLK PURSUANT TO SECTION 58.1-3970.1 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, AND APPROVING THE TERMS AND CONDITIONS OF THE CONVEYANCE AGREEMENT" **SO AS TO** CORRECT THE DESCRIPTION OF THE PROPERTY BEING CONVEYED.

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WHEREAS, by Ordinance No. 45,205 entitled "An Ordinance Authorizing the Conveyance to Charles J. Beerbower and Donald J. Beerbower of a Certain Parcel of Property Acquired by the City of Norfolk Pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as Amended and Approving the Terms and Conditions of the Conveyance Agreement", adopted on August 27, 2013, effective September 27, 2013, Council authorized the conveyance to Charles J. Beerbower and Donald J. Beerbower of certain City-owned property that included Lot 23 shown on the plat entitled "Replat of Block Two Willoughby Bay Corporation" recorded in Map Book No. 17 at page 88 in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia; and

WHEREAS, it appears that Lot 23 was previously conveyed to the Commonwealth of Virginia by Certificate of Take recorded in

Deed Book 1106, at Page 16, and by Order dated July 1, 1968 and recorded in Deed Book 1115, at Page 291, and therefore the City of Norfolk has no ownership interest in the said Lot 23; and

WHEREAS, in view of the foregoing, Council has determined that Lot 23 should be removed from the description of the property being conveyed to Charles J. Beerbower and Donald J. Beerbower; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That ordinance number 45,205 entitled "An Ordinance Authorizing the Conveyance to Charles J. Beerbower and Donald J. Beerbower of a Certain Parcel of Property Acquired by the City of Norfolk Pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as Amended and Approving the Terms and Conditions of the Conveyance Agreement", adopted on August 27, 2013, effective September 27, 2013, be amended and reordained so as to correct the description of the Property being conveyed to Charles J. Beerbower and Donald J. Beerbower by removing the reference to Lot 23 in Exhibit A to the said Ordinance, a copy of the revised Exhibit A being attached hereto.

Section 2:- That in all other respects, Ordinance No. 45,205 shall remain in full force and effect.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT "A"

3669-8300

All those four certain lots, pieces of parcels of land situated near Ocean View, in the City of Norfolk, formerly in the County of Norfolk, Virginia and known, numbered and designated on the plat styled "Replat of Block Two Willoughby Bay Corporation" of record in Map Book No. 17 at page 88 of the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, as Lots numbers Fifteen (15), Sixteen (16), Seventeen (17) and Twenty-two (22). Said lots numbers Fifteen (15), Sixteen (16), and Seventeen (17), adjoin each other and front about twenty-five (25) feet each on the Easterly side of Orange Avenue, between Highland and Willoughby Avenues and taken together as one parcel of land extend Easterly from said Orange Avenue to a depth of about one hundred and fifty-one (151) feet on their Southerly side and about one hundred and forty-seven (147) feet on their Northerly side, and said lot number twenty-two (22) fronts twenty five (25) feet on Highland Avenue, the said lot and front on Highland Avenue a total distance of Twenty-five (25) feet between said Orange Avenue and Maple Avenue, and extend Northwardly from said Highland Avenue to a depth of one hundred and four (104) feet, more or less, on their easterly side and one hundred and two (102) feet, more or less on their westerly side, and have a width of Twenty-five (25) feet, more or less, on its rear line as shown on said plat, to which reference is hereby expressly made for a further and more particular description of said lots.

LESS AND EXCEPT that portion of property conveyed to the Commonwealth of Virginia by Certificate of Take recorded in Deed Book 1106, at page 16 and by Order dated July 1, 1968 and recorded in Deed Book 1115, at page 291.

LESS AND EXCEPT that portion of property conveyed to George Constantino by deed dated May 29, 1944, and recorded in Deed Book 422, at page 411 and as shown on plat recorded in Map Book 11, at page 114.

NOTE: Property was replatted and entitled "Corrected Replat of Subdivision of Lots 6, 7 & 8, Block 2, Willoughby Bay Corp." dated Nov. 1926 and recorded in the Clerk's Office, Circuit Court of the City of Norfolk, in Map Book 6, pages 54A and B. See Agreement recorded in Deed Book 299D, at page 590.

March 25, 2015

NS Atwood Avenue

